

1998

Release  
Date: November 23,

Release #: S.C. 46/98

## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF NOVEMBER 16, 1998**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-155 Preferred Risk Mutual Ins. Cov. Reiswig, S073975. (B116718; 66 Cal.App.4th 575.) Petition for review after the Court of Appeal affirmed a judgment of dismissal of a civil action. This case concerns whether the MICRA statute of limitations and requirement of 90 days' notice of intent to sue that tolls the limitation period apply to an equitable indemnity action based on medical malpractice. (See Code. Civ. Proc., §§ 340.5, 364.)

#98-156 People v. Reth, S073068. (H016132.) Unpublished opinion. Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case presents an issue concerning whether a crime victim's insurer is authorized to receive restitution under Penal Code section 1203.4, which is related to an issue before the court in People v. Birkett, S062379. (See #97-135.)

#98-157 People v. Rodriguez, S073219. (A077543; 65 Cal.App.4th 1156.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal offenses. This case includes issues concerning removal of a juror and the sufficiency of the evidence of kidnapping, which are related to issues before the court in

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People v. Metters, S069442 (#98-70), and People v. Martinez, S064345 (#97-160), respectively.

#98-158 People v. Superior Court (Zamudio) S073031. (C030175.) No opinion. Petition for review after the Court of Appeal denied a petition for writ of mandate or prohibition. This case concerns whether a noncitizen whose guilty plea was not accompanied by the full advice on possible immigration consequences required by Penal Code section 1016.5 is entitled to withdraw that plea without a showing of prejudice.

## **DISPOSITIONS**

#98-9 People v. Johnson, S065957, was dismissed and remanded to the Court of Appeal.

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Birks, 19 Cal.4th 108:

#97-21 People v. Senner, S057709.

#97-35 People v. Guevara, S058223.

#97-63 People v. Morales, S059461.

#97-121 People v. McCurdy, S061779.

#97-156 People v. Love, S063806.

#97-180 People v. Anderson, S064469.

#97-190 People v. Youngblood, S064553.

#98-101 People v. Thrash, S071060.

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Breverman, 19 Cal.4th 142:

#97-65 People v. St. John, S059609.

#97-80 People v. Evans, S060450.

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